

## Message

**From:** Covington, Jeryl [Covington.Jeryl@epa.gov]  
**Sent:** 3/11/2020 3:45:38 PM  
**To:** Jason.S.McDougal\_wv.gov [Jason.S.McDougal@wv.gov]; 'gary.w.rogers@wv.gov' [gary.w.rogers@wv.gov]  
**CC:** Dorka, Lilian [Dorka.Lilian@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]  
**Subject:** FW: V-963747-01-0, WVDEP, PRE-REMEDIAL RESPONSE (PA/SI) Complaint 03R-19-R3 West Virginia Department of Environmental Protection  
**Attachments:** 03R-19-R3 Complaint\_Redacted(1).pdf; WVimage2020-08-07-195117.pdf; WV 2 image2020-08-12-002217.pdf

The following review of the Form 4700-4 for the West Virginia Department of Environmental Protection is submitted on behalf of Lilian Dorka, Director of the External Civil Rights Compliance Office (ECRCO), and Kurt Temple, Senior Advisor.

Question XI: ECRCO would normally ask that you provide adopted grievance procedures that assure the prompt and fair resolution of complaints that allege a violation of 40 C.F.R. Parts 5 and 7. However, we note that we will be discussing this with WV DEP as part of the informal resolution agreement conversations between ECRCO and WV DEP that will be scheduled in the near future.

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**From:** Covington, Jeryl  
**Sent:** Wednesday, March 11, 2020 10:53 AM  
**To:** Jason.S.McDougal\_wv.gov <Jason.S.McDougal@wv.gov>; 'gary.w.rogers@wv.gov' <gary.w.rogers@wv.gov>  
**Cc:** Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>  
**Subject:** FW: V-963747-01-0, WVDEP, PRE-REMEDIAL RESPONSE (PA/SI) Complaint 03R-19-R3 West Virginia Department of Environmental Protection

The following review of the Form 4700-4 for the West Virginia Department of Environmental Protection is submitted on behalf of Lilian Dorka, Director of the External Civil Rights Compliance Office, and Kurt Temple, Senior Advisor.

The Office of General Counsel's External Civil Rights Compliance Office (ECRCO) previously reviewed two (2) Preaward Forms (Form 4700-4) from the Metropolitan Government of Nashville and Davidson County (TN) and responded on January 15, 2020 and February 27, 2020, respectively. Each of the previous submissions are attached.

ECRCO does not recommend withholding approval of an award to this applicant in light of the civil rights information provided below.

Please note that the ECRCO does not approve or disapprove grant applications based on our review of the Form 4700-4. This review simply identifies areas from the responses provided on the Preaward Compliance Review Report that should be addressed by a recipient respective of their nondiscrimination compliance obligations in accepting EPA financial assistance. This review assesses the mechanisms that are currently in place or proposed for development immediately after grant award to address discrimination complaints and to comply with 40 C.F.R. Parts 5 and 7 regulations that focus on laws that prohibit discrimination by recipients of EPA with respect to beneficiaries of their programs and activities.

Please contact Lilian Dorka, ECRCO Director, Kurt Temple, Senior Advisor, or Jeryl Covington, Environmental Protection Specialist, if you have any questions and they will be pleased to provide technical assistance.

#### Feedback:

Question II: The West Virginia Department of Environmental Protection documents that it is currently receiving EPA financial assistance.

Question XI: The recipient provided the following website address to its adopt grievance procedures that assure the prompt and fair resolution of discrimination complaints that allege a violation of 40 C.F.R. Parts 5 and 7:

<https://pegb.wv.gov/Pages/default.aspx> West Virginia Public Employees Grievance Board

ECRCO reviewed the referenced website but did not readily identify adopted grievance procedures that assure the prompt and fair resolution of discrimination complaints that allege a violation of 40 C.F.R. Parts 5 and 7 from members of the public.

ECRCO reviewed the recipient's website (<https://dep.wv.gov/Pages/default.aspx>) but did not readily identify the recipient's adopted grievance procedures that assure the prompt and fair resolution of complaints that allege a violation of 40 C.F.R. Parts 5 and 7.

As a condition of receiving federal financial assistance and to comply with the nondiscrimination regulations, if the recipient is:

- an education program or activity, or
- has 15 or more employees,

they will need to adopt grievance procedures that assures the prompt and fair resolution of discrimination complaints that allege a violation of 40 C.F.R. Parts 5 and 7 (40 C.F.R Part 7.90).

Please provide a copy of or the Internet address to its currently adopted grievance procedures that assure the prompt and fair resolution of complaints that allege a violation of 40 C.F.R. Parts 5 and 7 from members of the public.

Authorization: The typed name of the Accounting & Reporting Manager provides authorization. ECRCO reviewed the recipient's website (<http://dep.wv.gov/Documents/employeeAddress-old-old.pdf>) and identified a different title (Administrative Services Assistant 3) associated with the authorizing official's name.

Please confirm whether the information identified by ECRCO is accurate.

The date of authorization is February 7, 2020.

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**From:** Burrows, Cynthia <[Burrows.Cynthia@epa.gov](mailto:Burrows.Cynthia@epa.gov)>

**Sent:** Tuesday, March 10, 2020 2:22 PM

**To:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>

**Subject:** FW: V-963747-01-0, WVDEP, PRE-REMEDIAL RESPONSE (PA/SI) Complaint 03R-19-R3

Good Afternoon,

Please review the attached and advise. The 1<sup>st</sup> attachment is the complaint referred to in the 2<sup>nd</sup> attachment. Thanks in advance.

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**From:** Thomas, Tanya <[THOMAS.TANYA@EPA.GOV](mailto:THOMAS.TANYA@EPA.GOV)>

**Sent:** Monday, March 02, 2020 11:14 AM

**To:** Burrows, Cynthia <[Burrows.Cynthia@epa.gov](mailto:Burrows.Cynthia@epa.gov)>

**Subject:** FW: V-963747-01-0, WVDEP, PRE-REMEDIAL RESPONSE (PA/SI) Complaint 03R-19-R3

Cynthia,

Here is the information you requested.

Tanya Dupree  
Grants Specialist  
U.S. EPA Region 3  
Mission Support Division  
Grants and Audit Management Branch (3MD70)  
1650 Arch Street  
Philadelphia, PA 19103-2029  
215-814-5408 (Phone)  
215-814-5271 (Fax)  
[thomas.tanya@epa.gov](mailto:thomas.tanya@epa.gov)

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**From:** Johnson, WandaF <[Johnson.WandaF@epa.gov](mailto:Johnson.WandaF@epa.gov)>  
**Sent:** Monday, March 02, 2020 11:08 AM  
**To:** Thomas, Tanya <[THOMAS.TANYA@EPA.GOV](mailto:THOMAS.TANYA@EPA.GOV)>  
**Subject:** FW: V-963747-01-0, WVDEP, PRE-REMEDIAL RESPONSE (PA/SI) Complaint 03R-19-R3

Here you go Tanya. W-

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**From:** Norvell, Carolyn G <[Carolyn.G.Norvell@wv.gov](mailto:Carolyn.G.Norvell@wv.gov)>  
**Sent:** Monday, March 02, 2020 10:40 AM  
**To:** Johnson, WandaF <[Johnson.WandaF@epa.gov](mailto:Johnson.WandaF@epa.gov)>  
**Subject:** Re: V-963747-01-0, WVDEP, PRE-REMEDIAL RESPONSE (PA/SI) Complaint 03R-19-R3

Wanda,

Please find the attached copy of Complaint 03R-19-R3 per your request. Please let me know if you need anything else.

Regards,

*Carolyn G. Norvell*

Administrative Services Assistant 3  
WV DEP, Business Operations Office  
Accounting and Financial Reporting & Sub Grants  
Email: [carolyn.g.norvell@wv.gov](mailto:carolyn.g.norvell@wv.gov)  
Telephone: 304-926-0499, ext. 41939

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**From:** Burrows, Cynthia <[Burrows.Cynthia@epa.gov](mailto:Burrows.Cynthia@epa.gov)>  
**Sent:** Monday, March 02, 2020 8:16 AM  
**To:** Thomas, Tanya <[THOMAS.TANYA@EPA.GOV](mailto:THOMAS.TANYA@EPA.GOV)>  
**Subject:** RE: V-963747-01-0, WVDEP

Yes, I will probably send this to HQ for review also, but, I know they are going to ask for that information.

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**From:** Thomas, Tanya <[THOMAS.TANYA@EPA.GOV](mailto:THOMAS.TANYA@EPA.GOV)>  
**Sent:** Monday, March 02, 2020 8:15 AM  
**To:** Burrows, Cynthia <[Burrows.Cynthia@epa.gov](mailto:Burrows.Cynthia@epa.gov)>  
**Subject:** RE: V-963747-01-0, WVDEP

No they did not. Do you wish for me to inform the PO that the recipient needs to submit?

Tanya Dupree  
Grants Specialist  
U.S. EPA Region 3  
Mission Support Division  
Grants and Audit Management Branch (3MD70)  
1650 Arch Street  
Philadelphia, PA 19103-2029  
215-814-5408 (Phone)  
215-814-5271 (Fax)  
[thomas.tanya@epa.gov](mailto:thomas.tanya@epa.gov)